

CANADA / JUDGMENT

R. v. Bacon

2019 BCCA 458

COURT

British Columbia Court of Appeal

DECIDED

2 December 2019

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2019 BCCA 458 R. v. Bacon COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Bacon, 2019 BCCA 458 Date: 20191202 Docket: CA44953 Between: Regina Appellant And James Kyle Bacon Respondent Restriction on Publication: A publication ban has been mandatorily imposed under

s. 517(1) of the Criminal Code restricting the publication, broadcasting or transmission in any way of the evidence taken, the information given, or the representations made and the reasons, if any, given or to be given by the justice presiding over the application for judicial interim release (bail). Restriction on Publication: A publication ban has been imposed under s. 486.5 of the Criminal Code restricting the publication, broadcasting or transmission in any way of evidence that could identify a victim/witness/undercover officer. This publication ban applies indefinitely unless otherwise ordered. APPEAL FILE SEALED Corrected Judgment: on the title page the name of counsel was corrected on December 17, 2019. Before: The Honourable Madam Justice Saunders The Honourable Mr. Justice Goepel The Honourable Mr. Justice Hunter On appeal from: An order of the Supreme Court of British Columbia, dated December 1, 2017 (R. v. Bacon, Vancouver Registry 26150). Oral Reasons for Judgment Counsel for the Appellant: M.K. Levitz, Q.C., J.M. Gordon, Q.C., C.G. Baragar, Q.C., C. Lusk, and M.J. Wolf Counsel for the Respondent: F.R. Addario, K.M. Eldred, and J.G. Foy Amicus Curiae: A. Kapoor and V. Cichalewska Counsel for The Vancouver Sun and K. Bolan: S.A. Dawson Place and Date of Hearing: Vancouver, British Columbia December 2, 2019 Place and Date of Judgment: Vancouver, British Columbia December 2, 2019 Summary: Referring to Vancouver Sun (Re), 2004 SCC 43, this appeal must be heard in camera, to allow for both protection of privileged and confidential information, and adjudication of the appeal. Reasons for Judgment of the Honourable Madam Justice Saunders:

[1] We are asked to close the courtroom and allow the appeal to be conducted in camera, as were much of the Supreme Court of British Columbia proceedings that gave rise to this appeal. All counsel on the appeal agree to this step. The Vancouver Sun and its reporter, Ms. Bolan, through counsel, Mr. Dawson, have asked us to limit the degree of secrecy involved in this appeal, and to apply the maximum degree of openness as is compatible with the task at hand, referring to Vancouver Sun (Re), 2004 SCC 43, in particular para. 39.

- [2] Mr. Dawson acknowledges that there are cases in which proceedings must be conducted in camera and because, of course, he does not know the details of the appeal or the judgment appealed, cannot say whether this is such a case. Counsel to the appeal are in agreement that it is not possible to separate the issues for the hearing of the appeal to allow, at least, even a partial portion of the hearing to be other than in camera.
- [3] The step requested is not taken lightly. The open-court principle is vital to the community's confidence in the administration of justice, and judges and counsel are steeped in its values. There are rare cases that demand protection of privileged and confidential information to the degree that the courtroom must be closed to allow the issues engaged to be adjudicated. It is a question of the balance between adjudicating the matter and informing the public.
- [4] This appeal presents such a demand. A focus of this appeal will be information that came before the trial court in its in camera proceedings. For that reason we agree that the courtroom must be closed and the appeal heard in camera. It is directed that the hearing of the appeal will be conducted in camera.
- [5] Obviously this is an appeal that will require a reserved judgment. We will bear in mind the values discussed by Mr. Dawson for the Vancouver Sun and Ms. Bolan in fashioning our reasons. I thank them for attending this morning and shedding this much light, at least, on the proceedings today.
- [6] GOEPEL J.A.: I agree.
- [7] HUNTER J.A.: I agree.
- [8] SAUNDERS J.A.: This appeal will be heard in camera. "The Honourable Madam Justice Saunders"

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/ca/19/04/2019BCCA0458cor1.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-bacon-2019>

Prepared on 28 October 2026 · Esheria